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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,875	09/11/2003	Robert Olodort	3256P015X	8773

7590 05/20/2005

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EXAMINER

LEA EDMONDS, LISA S

ART UNIT PAPER NUMBER

2835

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/661,875

Applicant(s)

OLODORT ET AL.

Examiner

Lisa Lea-Edmonds

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-32 is/are allowed.
- 6) ☐ Claim(s) 1-13 and 33-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/11/03, 1/30/04, 3/5/04</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10-13, and 33-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Sternglass et al. (5995025). With respect to claims 1-8, 10-13, and 33-43, Sternglass et al. teaches a digital processing device (12) comprising a keyboard assembly (10) having three sections and a collapsed form relative to an open form, said open form exposing a plurality of keys being substantially in compliance with key sizes conforming to an ISO 9241-4:1998(E) 6.2.1/6.2.2 standard; and a display assembly (92) coupled with said keyboard assembly as claimed (see for example figures 1A-7F). With respect to applicant's claimed limitations concerning the ISO 9241-4:1998(E) 6.2.1/6.2.2 standard; pages 10-11, paragraph [0057] of applicant's specification, which states that a "full sized" keyboard (e.g., in conformance with ISO 9241-4:1998(E) 6.2.1/6.2.3 standards for keyboards) that allows a user to comfortably, quickly, and accurately "touch-type" in a manner that the user may be accustomed to. For example, the keyboard standard described by ISO 9241-4:1998(E) 6.2.1 calls for center-to-center key spacing of 19mm ± 1mm and the keyboard standard described by ISO 9241-4:1998(E) 6.2.3 calls for preferred key displacement between 2.0mm and 4.0mm (sic). The "full sized" keyboard assembly of Sternglass et al. inherently, substantially in compliance

Art Unit: 2835

with key sizes conforming to an ISO 9241-4:1998(E) 6.2.1/6.2.2 standard as claimed.

With respect to the applicant's claimed limitations concerning the pixel width and length of the display as well as the number of columns of text displayable; Sternglass et al.

inherently teaches such a variance in pixel width and length of the display as well as the

number of columns of text displayable, in that Sternglass et al. teaches different

embodiments of the display in accordance with the expandable keyboard as claimed

(see for example figures 7A-7F).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sternglass et al. (5995025). With respect to claim 9, Sternglass et al. teaches the claimed invention as set forth above, however, Sternglass et al. lacks a teaching of the keyboard assembly being a two section keyboard as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the tree section keyboard assembly as depicted in the figures of Sternglass et al. to be a two section keyboard assembly as suggested by the abstract, wherein Sternglass et al. make mention of a center section and one or more wing sections.

### ***Allowable Subject Matter***

5. Claims 14-32 are allowed.

Art Unit: 2835

6. The following is an examiner's statement of reasons for allowance: as to claims 14-32, patentability resides, at least in part, in the cursor control disposed on said keyboard assembly, wherein said cursor control is exposed in both said collapsed form and said open form, in combination with the other limitations of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the teachings of Conway et al. (5278779), Ni (6297752), Genduso (6774888), Sandbach et al. (20020134828), and Katz (6594142).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2835

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lisa Lea-Edmonds  
Primary Examiner  
Art Unit 2835

2005-05-16